

REMARKS:

The PTOL-85 Notice of Allowance and Fee(s) Due dated June 24, 2009 allowed each of claims 1, 4-7, 10-12, 14-16 and 18-20. Applicant thanks the Examiner for the allowance, and hereby submits this Amendment Under Rule 312 (37 C.F.R. §1.312 and MPEP §714.16) in order to amend claims 15 and 16.

In this Amendment, Applicant has amended claims 15 and 16 to claim a memory. As an example, claim 15 now recites: " A memory embodying a computer program..." These claim amendments are in accordance with the Examiner's suggestion on page 3 of the Final Office Action mailed on September 22, 2008. The intention to effect these claim amendments was further noted on page 1 of the Pre-Appeal Brief Request For Review Attachment mailed on December 18, 2008, and was understood to obviate the Examiner's §101 rejection of claims 15 and 16.

MPEP §714.16 states in part:

After the Notice of Allowance has been mailed, the application is technically no longer under the jurisdiction of the primary examiner. He or she can, however, make examiner's amendments (see MPEP § 1302.04) and has authority to enter amendments submitted after Notice of Allowance of an application which embody merely the correction of formal matters in the specification or drawing, or **formal matters in a claim without changing the scope thereof**, or the cancellation of claims from the application, without forwarding to the supervisory patent examiner for approval.

Since the claimed memory was previously recited in the preamble of claim 15 ("A computer program product comprising a memory"), it is believed that the amendments to claims 15 and 16 do not change the scope of the claims, nor do these amendments add new subject matter. These

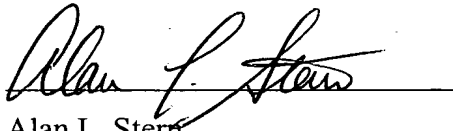
S.N.: 10/815,263
Art Unit: 2618

Pre-Appeal Brief Request For Review Attachment

claim amendments are seen to be a formality and therefore subject to entry upon approval of the Examiner.

Applicant respectfully requests approval and entry of this Amendment. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference, at the Examiner's discretion.

Respectfully submitted:


Alan L. Stern

August 10, 2009

Date

Reg. No.: 59,071

Customer No.: 29683

HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400

Facsimile: (203) 944-0245

E-mail: astern@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Name of Person Making Deposit

Aug 12, 2009

Date